

**U.S. Serial No. 10/605,133**  
**Examiner: Thach H. Bui**  
**Art Unit No.: 3752**  
**Page 6 of 7**

**Atty. Docket No.: JD-211-US**

**REMARKS**

Claims 1-6 and 16-15 are rejected under 35 U.S.C. § 102(b). Claims 7 and 16 are rejected under 35 U.S.C. §103(a). These rejections are believed to be overcome by the amendments to the claims and the remarks to follow.

Claims 8 and 17 are cancelled and the subject matter thereof incorporated into newly submitted Claims 19 and 20. Claims 9 and 18 are amended to be dependent on Claims 19 and 20, respectively.

The amendments to Claims 12 and 15 as indicated by the Examiner are made in the amendment to the claims. The Examiner's suggestions are appreciated. A further amendment is made to Claim 14 to correct its dependency.

**35 U.S.C. §102(b)**

Claims 1-7 and 10-16 are amended to define a foam nozzle for attachment to a spray nozzle having a spray nozzle head or a combined spray and foam nozzle including a spray nozzle having a spray head. These claims also define a fixed air passageway extending into the tubular member of the foam nozzle.

These features of the foam nozzle in combination with a spray nozzle having a spray head and the fixed air passageway are not found in Tada of record.

Tada discloses in FIGURES 11-13 a nozzle 242 with an orifice 240. When the nozzle cap 260 is removed there will be no spray as only an orifice 240 is present. In contrast, applicants' claims define a foam nozzle attachment for spray head. This is shown in applicants' drawing by the two separate components: the nozzle head at 42 with lips 44 and 45 as well as angled walls 47, and the separate foam nozzle 10 deflector 40 with foam producing members 35. Accordingly, when applicants' foam nozzle attachment is removed, a spray is still provided.

In addition, these claims define a fixed air passageway as the foam nozzle is attached by a functional fit. This is in contrast to Tada which disclosed a screw on nozzle cap 260 wherein

**U.S. Serial No. 10/605,133**  
Examiner: Thach H. Bui  
Art Unit No.: 3752  
Page 7 of 7

**Atty. Docket No.: JD-211-US**

the air passageway would be variable. Thus, applicants' device affords more precise control. Reconsideration of these claims is respectfully requested.

**35 U.S.C. § 103(a)**

Claims 7 and 16 are previously distinguished over Tada. There is no suggestion in Tada resulting in channel members for a foam nozzle attachment for placement over an existing spray nozzle head in a manner which provides a fixed air passageway. Reconsideration of these claims is respectfully requested.

**Allowable Subject Matter**

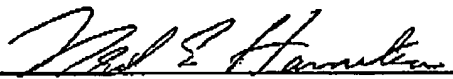
The allowability of Claims 8, 9, 17 and 18 is acknowledged with thanks. The subject matter of Claims 8 and 17 is presented in newly submitted Claims 19 and 20, respectively. Claims 9 and 18 are made dependent on Claims 19 and 20, respectfully.

In view of the foregoing amendments and remarks, this application is believed to be in condition for allowance. If for any reason it is not in such condition, the Examiner is respectfully requested to call Applicants' attorney for a telephone interview.

The Commissioner is hereby authorized to charge any fees which may be due, or to credit any overpayments made, to Deposit Account No. 50-0231.

Respectfully submitted,

Dated: 12 July 2005

By:   
Neil E. Hamilton  
Registration No. 19,869

JohnsonDiversey, Inc.  
8310 16<sup>th</sup> Street - M/S 509  
P.O. Box 902  
Sturtevant, Wisconsin 53177  
Direct Phone: 262-631-4583  
Customer No. 24804